

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO  
RICO,

As representative of

THE COMMONWEALTH OF PUERTO  
RICO, *et al.*

Debtors.<sup>1</sup>

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO  
RICO,

As representative of  
PUERTO RICO HIGHWAYS AND  
TRANSPORTATION AUTHORITY,

Debtor.

PROMESA

Title III

No. 17-BK-3283 (LTS)

(Jointly Administered)

PROMESA

Title III

No. 17-BK-3567 (LTS)

**MOTION IN COMPLIANCE WITH ORDER CONCERNING DEADLINE FOR  
VOTING ON PLAN OF ADJUSTMENT**

**TO THE HONORABLE COURT:**

**COMES NOW** creditor University of Puerto Rico Retirement System Trust (the “Trust”),

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686).

through the undersigned counsel, and respectfully states and prays as follows:

1. The Trust is a creditor in the above captioned case on behalf of its pension plan participants. The Trust is not a debtor in any pending Tit. III case under PROMESA.<sup>2</sup>
2. On June 29, 2018, the Trust filed (1) Proof of Claim (“POC”) Number 93752 against the Commonwealth of Puerto Rico (“Commonwealth”) in the secured amount of \$647,110.43, (2) Proof of Claim No. 91993 filed against the Puerto Rico Highways and Transportation Authority (“HTA”) in the secured amount of \$34,189.67<sup>3</sup>, and (3) Proof of Claim Number 109456 filed against the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) in the secured amount of \$3,209.45.<sup>4</sup>
3. On September 27, 2021, this Honorable Court entered an Order extending the voting deadline on the current version of the Plan of Adjustment to October 18, 2021, at 5:00p.m. See Docket No. 18258.
4. The Trust has not received Solicitation Packages and/or a Non-Voting Notice for Claims 93752 and 109456.<sup>5</sup>
5. The undersigned contacted counsel for the Financial Oversight and Management Board (“Oversight Board”) and was informed that a Non-Voting Notice had been sent for the Trust’s Claim No. 109456. However, counsel for the Oversight Board indicated that the Trust’s Claim No. 93752 does not fall under a class in the plan, so a solicitation package and ballot were not sent out for said claim. Hereby attached as **Exhibit 1** is the email from the Oversight Board’s counsel confirming the foregoing.

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<sup>2</sup> The Puerto Rico Oversight, Management and Economic Stability Act, 48 U.S.C. § 2101 *et seq.*

<sup>3</sup> Proof of Claim Number 91993 is a claim against HTA, which is not a Debtor in the Seventh Amended Tittle III Joint Plan of Adjustment.

<sup>4</sup> On March 5, 2021, Proof of Claim No. 109456 was transferred to the ACR process. *See* Docket No.15948. To date, the Trust has not received any final communication regarding the ACR process and the POC is still “under review,” *See* Docket No. 18363-1 at page 184.

<sup>5</sup> Proof of Claim 91993 is not subject to today’s deadline.

6. The Trust will be filing an Objection to Plan Confirmation for failure to provide treatment to Claim No. 93752, among other reasons, by tomorrow's deadline.

7. Nevertheless, in an excess of caution and in order to comply with this Honorable Court's Order at Docket No. 18258, **the Trust hereby votes to REJECT the Plan of Adjustment submitted at Docket No. 17627.**

**WHEREFORE** The Trust very respectfully requests from this Honorable Court to take notice of the above.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 18th day of October 2021.

**WE HEREBY CERTIFY** that on this same date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to all counsel of record. I also hereby certify that the foregoing was served pursuant to the Fifteenth Amended Case Management Procedures.

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